REMARKS

Claims 1-46 are pending and under consideration. Claims 1, 10, 19, and 33 are the independent claims.

Reconsideration is requested.

Applicants acknowledge with appreciation the indication that claims 2-9, 11-18, 29, 31, 43, 45 recite patentable subject matter and would be allowable if rewritten in independent form to include all of the features of their respective base claims and any intervening claims. Applicants have respectfully maintained these claims in dependent form because it is believed, for at least the reasons set forth herein, that their respective base claims patentably define over the citations of record.

Claims 1, 10, 19-28, and 33-42 under 35 U.S.C. §103(a) as being unpatentable over Sato et al. (U.S. Patent No. 6,262,817 – hereinafter Sato). The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicants traverse this rejection and respectfully request reconsideration.

Applicants respectfully submit that the Office Action's continued rejection of the claims is based on an erroneous interpretation of Sato. Specifically at page 3, the Office Action states: "Sato determines the deflection for each of a chroma, hue, and luminance." The Office Action also states e.g., on page 3, "the Examiner interprets Sato to disclose an apparatus (see fig. 9) for color compensation of an input signal comprising a chroma deflection generation unit [calculate a chroma deflection] based on an input chroma signal detected from the input signal (e.g., the original image) and a predetermined first reference value (wherein the chroma deflection generation unit is characterized by the function of item S26 of fig. 9)...."

Applicants note, however, that the Office Action, on page 4, also specifically states: "Sato fails to specifically teach that a chroma deflection, a hue deflection, and a luminance deflection are calculated."

Independent claim 1, recites: "An apparatus...comprising: a chroma deflection generation unit to calculate a chroma deflection based on an input chroma signal detected from the input signal and a predetermined first reference value; a hue deflection generation unit to calculate a hue deflection based on an input hue signal detected from the input signal and a predetermined second reference value; a luminance deflection generation unit to calculate a luminance deflection based on an input luminance signal detected from the input signal and a predetermined third reference value...."

Independent claim 10, recites: "...calculating a chroma deflection based on an input chroma signal detected from the input signal and a predetermined first reference value; calculating a hue deflection based on an input hue signal detected from the input signal and a predetermined second reference value; calculating a luminance deflection based on an input luminance signal and a predetermined third reference value...."

Independent claim 19, recites: "...a first deflection calculation unit to detect a first amount of deflection of a first one of the image properties from a first reference value; a second deflection calculation unit to detect a second amount of deflection of a second one of the image properties from a second reference value...."

And independent claim 33, recites: "...calculating a first amount of deflection of a first one of the image properties from a first reference value; calculating a second amount of deflection of a second one of the image properties from a second reference value...."

As a general matter, to establish a prima facie obviousness rejection, the Office Action needs to provide evidence of the existence of individual elements corresponding to the recited limitations, a motivation to combine the individual elements to create the recited invention, and a reasonable expectation of success. (See MPEP, at 2143 – "'[t]he teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure.' In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).", and at 2143.03 – "'[t]o establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.' In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).").

As noted in Sato, the flow chart of FIG. 9 is used to explain the operation of color adjusting unit 2. (See Sato, at col. 11, lines 13-14). Thus, the Office Action appears to assert that the color adjusting unit 2 corresponds to the claimed chroma deflection generation unit (as well as the claimed hue deflection generation unit and luminance deflection generation unit).

But the color adjusting unit 2 does not calculate a chroma deflection. Instead, Sato teaches that the chroma deflection, for example, is input by a user. (See Sato, at FIG. 3 (S537 and S538) and FIG. 9 (S30), col. 8, lines 15-33, and col. 11, lines 34-47). If there is no input from the user, there is no adjustment of the color image. In other words, the user inputs the chroma deflection, the hue deflection, and the luminance deflection to the color adjusting unit 2 via the mouse pointer 503.

Therefore, the color adjusting unit 2 of Sato does not correspond to the claimed chroma deflection generation unit (or the claimed hue deflection generation unit or luminance deflection generation unit).

And as previously noted, the Office Action even admits, on page 4, that "Sato fails to specifically teach that a chroma deflection, a hue deflection, and a luminance deflection are calculated."

The Office Action asserts: "[h]owever, it is noted that since in Sato the color image is adjusted or deflected based on the calculation of the produced matrix (see col. 16, lines 20-40), it is imperative (sic) and obvious that each of a chroma, hue and luminance of the color the be also (sic) calculated, for the matrix setup (sic) is based entirely on the hue, chroma, and luminance parameters for the color."

But in Sato, the matrix is set up based on the input provided to the color adjusting unit 2 by the user. (See Sato, at col. 8, lines 11-13, col. 10, lines 32-35, col. 12, lines 1-5).

The Office Action further asserts: "[i]n addition, Sato at col. 10, lines 23-35, clearly suggests that parameters determination for each of a hue, chroma, and luminance for the color are requirements by adjustment units 2 for producing a setup matrix by adding adjustment direction of the luminance, chroma, the hue, directed by the image display unit, for the original matrix."

But the Office Action appears to misunderstand the cited portion of Sato, since, as noted above, the adjustment direction for the creation of the setup matrix is provided by the user via input via the image display unit. In other words the direction by the image display unit is the user input.

There is no portion of an apparatus either disclosed or suggested in Sato that e.g., calculates a chroma deflection based on an input chroma signal detected from the input signal and a predetermined first reference value.

And, even assuming arguendo, as suggested by the Office Action in the Response to Arguments, that the user in Sato may calculate e.g., a chroma deflection, Sato neither discloses nor suggests that the user calculates a chroma deflection based on an input chroma signal detected from the input signal and a predetermined first reference value as required by independent claim 1.

Thus, Applicants respectfully submit that the Office Action has failed to provide evidence that the individual claim elements exist in the prior art, and thus, the Office Action has not

provided sufficient evidence to maintain a prima facie obviousness rejection of the independent claims.

Further still, without analysis, the Office Action merely conclusively states "[t]hus, given the above disclosure, it would have been obvious to one of ordinary skilled (*sic*) in the art at the time the invention was made to consider modifying Sato to include the calculation of a chroma deflection, a hue deflection, and a luminance deflection; so that an adjusted pixel can be produced by calculating the original pixel and the set up matrix. See col. 10 lines 35-37."

Initially, Applicants respectfully submit that the standard that must be met in an obviousness rejection is not "obvious to consider modifying."

Additionally, far from suggesting that the interactions with the user be removed, as suggested by the Office Action in the conclusive statement, Sato touts the advantage of the man-machine interface as enabling adjustment of the color without handling specific color values. (See Sato, at col. 16, lines 16-19).

Further, since the adjusted pixel is already produced by the system and method disclosed in Sato, the Office Action has failed to provide any evidence of a motivation to modify Sato, and thus, the Office Action has not provided sufficient evidence to maintain a prima facie obviousness rejection of the independent claims.

In accordance with the foregoing, Applicants respectfully submit that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the cited art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, this Amendment should be entered at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration by the Board.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.
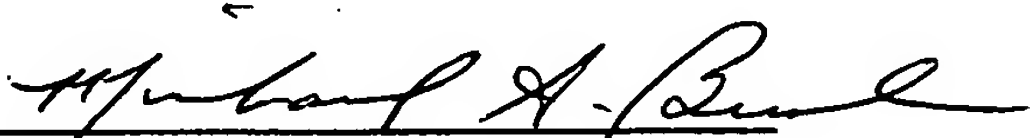
If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: __February 7, 2007__   By: _____

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